

Application No. 10/743,511
Amendment Dated June 21, 2005
Reply to Office Action of May 24, 2005

REMARKS

Applicants acknowledge receipt of the Office Action dated May 24, 2005. In that action the Examiner entered a restriction requirement as to Group I (claims 1-5 and 6-8), Group II (claims 9-20), Group III (claims 21-24), Group IV (claims 25-26) or Group V (claims 27-32).

With this Office Action Response, Applicants withdraw claims 1-8 and 21-32 (in response to the restriction requirement), and amend claim 21.

I. AMENDMENTS TO THE SPECIFICATION

With this Response, Applicants amend paragraph [0044] to more fully note in the equation that K is the tool constant, and not the equation number. No new matter is added.

II. RESTRICTION REQUIREMENT

Applicants hereby elect to prosecute the group designated by the Examiner as Group II (claims 9-20). This election is without traverse as to claims 25-32; however, Applicants respectfully traverse the restriction with respect to claims 1-8 and 21-24.

The Manual of Patent Examining Procedures (MPEP) states:

If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions.

(MPEP, Section 803 (emphasis added)). Applicants respectfully submit that there will be no series additional burden on the Examiner to examine claims 1-8 and 21-24. For example, claim 9 (in elected Group II) requires:

A resistivity tool having a length, comprising:
a current source at a first location along said length;
a current return at a second location along said length;
a monitor electrode, said monitor electrode at a third location along said length, said third location not between said first location and said second location.

Thus, the Examiner, in examining Group II, must search for art that teaches a monitor electrode at a third location, and "said third location not between said first location and said second location." This search, by its very nature, overlaps with the search that may be required with respect to claim 1 of Group I, which requires:

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An apparatus comprising:

- a first current source current return (CSCR) pair, the current return being at a distance X from the current source, to receive current from the current source; and;
- a monitor electrode disposed at a distance Y from the current return, said distance Y greater than or equal to the distance X, to monitor the current transmitted by the current source.

If Y is greater than X, the monitor electrode will be at a third location not between the current source and current return. The search with respect to elected Group II is the same search that would have to be done with respect to aspects of Group I, and thus presents no serious additional burden to examiner Group I in addition to Group II.

Moreover, claim 21 from non-elected Group III requires:

A method comprising:

- transmitting a current from a first current source;
- receiving at least part of the current at a first current return, said first current return disposed remotely from the first current source; and
- measuring a first voltage at a monitor electrode, said monitor electrode disposed more remotely from the first current source than said first current return.

Again, a search with respect to elected Group II requires searching for art that teaches a monitor electrode at a third location, and "said third location not between said first location and said second location." Here too, the search with respect to elected Group II is the same search required for claim 21 from non-elected Group III, and thus no serious additional burden exists to search and examine the Group III claims

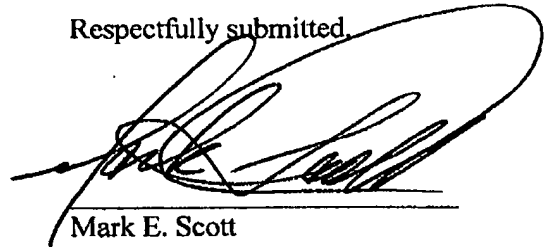
III. CONCLUSION

Applicants respectfully request allowance of the pending claims and a timely Notice of Allowance be issued in this case. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

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If any fees are inadvertently omitted or if any additional fees are required or have been overpaid; please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. Scott', is written over a horizontal line. The signature is stylized with a large loop at the end.

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